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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA

*versus*

DONYEIL HOY (3)

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CASE NO. 9:23-CR-00002-MAC

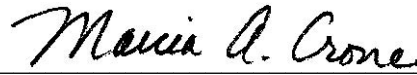
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending is the Defendant, Donyeil Hoy's, *Motion to Dismiss – Improper Venue* (Doc. #61). The Government responded in opposition (Doc. #63) and Hoy filed a reply (Doc. #64). This matter was referred to Magistrate Judge Zack Hawthorn for consideration and entry of proposed findings and recommended disposition. (Doc. #66); *see* 28 U.S.C. § 636(b)(1)(B); E.D. Tex. Crim. R. 59(d). On October 30, 2023, Judge Hawthorn issued a report recommending denying Hoy's motion to dismiss, subject to reassertion at trial. (Doc. #74.) Hoy filed timely objections to the report (Doc. #105) and the Government responded to the objections (Doc. #111). The court conducted a *de novo* review pursuant to Fed. R. Civ. P. 72(b)(3) and 28 U.S.C. § 636(b)(1)(C) of the pending motion, the record, and the applicable law, and finds that venue is sufficiently alleged in the Indictment to defeat Hoy's request for dismissal for the reasons stated in the report and recommendation.

Accordingly, the court finds the objections have no merit and that Judge Hawthorn correctly concluded that Hoy's motion to dismiss for improper venue should be denied. The court **OVERRULES** the Defendant's Objections (Doc. #105), **ADOPTS** Judge Hawthorn's

Report and Recommendation (Doc. #74), and **DENIES** the Defendant's Motion to Dismiss, subject to reassertion at trial. (Doc. #61).

SIGNED at Beaumont, Texas, this 8th day of December, 2023.

A handwritten signature in cursive script, reading "Marcia A. Crone", positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE